

INTERNATIONAL SEARCH REPORT

PCT/IB 02/04690

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K38/18 A61K47/32 C07K14/505 A61P7/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 A61K C07K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, MEDLINE, EMBASE, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 992 419 A (GRUBER WERNER ET AL) 12 February 1991 (1991-02-12) column 2, paragraph 6 - paragraph 7; claims 1-16; example 6; table I ---	1-20
X	EP 0 528 314 A (BOEHRINGER MANNHEIM GMBH) 24 February 1993 (1993-02-24) page 3, line 53 -page 4, line 54; claims 1,3,11; examples 1,2 ---	1-10,15, 16,18-20
Y	US 4 647 454 A (CYMBALISTA SAMUEL) 3 March 1987 (1987-03-03) column 1, paragraphs 4,7 ---	1-20 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the International search

31 January 2003

Date of mailing of the international search report

06/02/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Markopoulos, E

INTERNATIONAL SEARCH REPORT

PCT/IB 02/04690

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 0 909 564 A (CHUGAI PHARMACEUTICAL CO LTD) 21 April 1999 (1999-04-21) page 2, paragraph 4 - paragraph 7; claims 1,13,15 page 3, paragraph 8 ----	1-20
A	WANG Y-C J ET AL: "PARENTERAL FORMULATIONS OF PROTEINS AND PEPTIDES: STABILITY AND STABILIZERS" JOURNAL OF PARENTERAL SCIENCE AND TECHNOLOGY, XX, XX, vol. 42, no. 2S, 1988, pages S04-S26, XP000984636 ISSN: 0279-7976 page S4, column 1 page S20, column 1, paragraph 3 ----	1-20

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 20 (in part)

Present claim 20 relates to diseases defined by reference to a desirable characteristic, namely "diseases indicated for erythropoietin". The claim covers all disorders having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such diseases. In the present case, the claim so lacks support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claim also lacks clarity (Article 6 PCT). An attempt is made to define the disorder by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claim which appear to be clear, supported and disclosed, namely those parts relating to the diseases mentioned in the description (paragraphs bridging pages 9-10).

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORTInternational application No.
PCT/IB 02/04690**Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.: **20 (in part)** because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see **FURTHER INFORMATION sheet PCT/ISA/210**

3. Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

PCT/IB 02/04690

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 4992419	A	12-02-1991	DE 3729863 A1 AT 77556 T AU 2173988 A CA 1330301 A1 CN 1031801 A , B CS 8805901 A2 DD 273004 A5 DE 3872334 D1 DK 483188 A EP 0306824 A2 ES 2051806 T3 FI 884051 A , B, GR 3005454 T3 HK 89495 A HU 47863 A2 IE 60310 B1 IL 87628 A JP 1071818 A JP 2057196 C JP 7080782 B KR 9609929 B1 LV 10178 A , B LV 10393 A , B MX 12880 A NO 883926 A , B, NZ 225975 A PH 25618 A PL 274485 A1 PT 88417 A , B RU 2043118 C1 RU 2100032 C1 ZA 8806528 A	16-03-1989 15-07-1992 27-04-1989 21-06-1994 22-03-1989 13-12-1990 01-11-1989 30-07-1992 06-03-1989 15-03-1989 01-07-1994 06-03-1989 24-05-1993 16-06-1995 28-04-1989 29-06-1994 08-07-1993 16-03-1989 23-05-1996 30-08-1995 25-07-1996 20-10-1994 20-02-1995 01-12-1993 06-03-1989 26-07-1991 08-08-1991 17-04-1989 31-07-1989 10-09-1995 27-12-1997 30-05-1989
EP 0528314	A	24-02-1993	DE 4126984 A1 AU 2405292 A WO 9303745 A1 EP 0528314 A1 MX 9204646 A1	18-02-1993 16-03-1993 04-03-1993 24-02-1993 01-02-1993
US 4647454	A	03-03-1987	BE 897276 A1 IL 65277 A AR 229778 A1 AU 1234383 A CA 1209473 A1 EP 0089245 A2 JP 59010598 A ES 8500062 A1	03-11-1983 31-03-1985 30-11-1983 22-09-1983 12-08-1986 21-09-1983 20-01-1984 01-01-1985
EP 0909564	A	21-04-1999	AU 722300 B2 AU 2407497 A EP 0909564 A1 US 6120761 A US 6063734 A WO 9740850 A1 JP 3068033 B2 JP 10182481 A JP 2000302689 A US 6277367 B1	27-07-2000 19-11-1997 21-04-1999 19-09-2000 16-05-2000 06-11-1997 24-07-2000 07-07-1998 31-10-2000 21-08-2001

INTERNATIONAL SEARCH REPORT**PCT/IB 02/04690**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0909564	A	US 2001055582 A1	27-12-2001